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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,672	06/19/2000	James Hongxue Wang	11302-0601 (KC 15,993)	3961

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EXAMINER

REDDICK, MARIE L

ART UNIT	PAPER NUMBER
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1713

9

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,672

Applicant(s)

WANG ET AL

Examiner

Judy M. Reddick

Art Unit

1713

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/14/02 & 05/14/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1) ***After further consideration, the election of species mandate per paper no. 5, 10/03/01, paragraph no. 1 is herein withdrawn and no further comment is deemed necessary.***

Claim Rejections - 35 USC § 112

2) ***Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.***

A) ***The recited "grafted poly(ethylene oxide)" per claims 1, 8-11 and 14 constitutes indefinite subject matter as per the metes and bounds of such engender an indeterminacy in scope.***

B) ***The recited "wherein the grafted poly(ethylene oxide) is a graft copolymer of poly(ethylene oxide) and at least one vinyl monomer" per claim 2 constitutes indefinite subject matter as per a) it not being readily ascertainable if applicant intends a poly(ethylene oxide) grafted with at least one vinyl monomer or else; b) it is not known via any known rules of Chemistry how the copolymer can comprise "vinyl monomer" VS "vinyl monomer units".***

C) ***The recited "a graft copolymer of a homopolymer of poly(ethylene oxide) and at least one polar vinyl monomer" per claim 3 constitutes indefinite subject matter as per a) it not being readily ascertainable as to the intended meaning of "a graft copolymer of a homopolymer" and b) it not being readily ascertainable as to how the copolymer can contain "polar vinyl monom r" VS "polar vinyl monomer units".***

D) The recited "a graft copolymer of "poly(ethylene oxid) and at least on polar vinyl monomer selected from—" per claim 4 constitutes indefinite subject matter as per a) reasons stated in item B), b) the use of improper Markush terminology, "selected from the group consisting of—" is proper and is suggested and c) it is not readily ascertainable as to how "poly(ethylene glycol) methacrylates" and poly(ethylene glycol) acrylates differentiates over "poly(ethylene glycol) ethyl ether methacrylates" and "poly(ethylene glycol) ethyl ether acrylates", respectively.

E) The recited wherein the poly(ethylene oxide) comprises a graft copolymer of poly(ethylene oxide) and from about 1 to about 30 weight percent of a polar vinyl monomer, a polar vinyl oligomer, a polar vinyl polymer" per claim 5 constitutes indefinite subject matter as per a) it not being readily ascertainable as to what exactly constitutes the base or substrate to be grafted and what constitutes the grafting species, b) it not being readily ascertainable as to how the "copolymer" can comprise "monomer" VS "monomer units" and c) it is not readily ascertainable as to the exact entity that the contents are being based on, i.e., total composition or else. Further, it is suggested that applicant insert "grafted" before "poly(ethylene oxide)", 1st occurrence so as to maintain claim language consistency(see also claim 7, in this regard).

F) The recited "wherein the grafted poly(ethylene oxide) comprises a graft copolymer of poly(ethylene oxide) and a monomer selected from----poly(ethylene glycol) methacrylate and derivatives and analogs----" per claim 6 constitutes indefinite subject matter as per a) reasons already stated in items B) and D) supra and b) the metes and bounds of "derivatives" and "analog" engender an indeterminacy in scope.

G) The recited "wherein the poly(ethylene oxide) comprises a graft copolymer of — and 2-hydroxyethyl methacrylate" per claim 7 constitutes indefinite subject matter as per reasons stated in item B) supra.

H) The recited "the melt blend" per claims 9 and 10 constitutes indefinite subject matter as per the non-express establishment of proper antecedent basis.

I) The recited contents per claims 9, 10 and 11 constitutes indefinite subject matter as per it not being readily ascertainable as to the exact entity that said contents are being based on, i.e., melt blend, total composition or else.

J) the recited "A method of making a film— and forming the blend into a film" per claim 13 constitutes indefinite subject matter as per said method lacking sufficient steps in the film formation.

Allowable Subject Matter

3) After further consideration coupled with Counsel's persuasive arguments, the rejections based on Wysong'101, Wysong'169, Welygan et al and Larson et al are herein withdrawn. Claims 1-14 would be allowable if rewritten, amended and/or satisfactorily rebutted so as to obviate the 112 issues raised supra.

The instantly claimed invention is deemed allowable over the prior art supra as per said art neither anticipates nor renders obvious the grafted poly(ethylene oxide)/poly(vinyl alcohol) melt blend-governed method, as claimed. One having ordinary skill in the art would not have been endowed with any motivation to extrapolate the melt blend from any of the prior art supra, alone or in combination thereof, with any reasonable expectation of success.

Response to Arguments

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4) *Applicant's arguments with respect to claims 1-14 have been considered but are moot.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (703) 308-4346. The examiner can normally be reached on Monday-Friday, 6:30 A.M.-3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu David can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2381.

JMR *JMR*
May 18, 2002

Judy M. Reddick
JUDY M. REDDICK
PRIMARY EXAMINER
GROUP 1400